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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3359 OF 2006

Hari Jawansingh Indrekar .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.R.P.Walvekar for applicant

Mr.P.S.Hingorani, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th September 2006

P.C.

. The applicant - original accused No.1 is arrested in connection with C.R. 22 of 2006 registered with Radhanagari Police Station, Dist.Kolhapur for offences punishable under

section 302, 364, 323, 477 and 452 read with 34 I.P.C.

2. The applicant has been arrested on 18th April 2006. I am informed that the investigations are complete. Charge sheet is filed. Applicant's applications for bail prior to filing of charge sheet and even thereafter have been rejected by the trial court.

3. I have been taken through the statements of original complainant Sheela and her daughter Vasanti. I have also been taken through the supplementary statement of the complainant Sheela.

4. It appears that she was having illicit relations with the deceased. At the relevant time, the case is that, both her sons as also the present applicant had a grudge and were disturbed and agitated by the conduct of the deceased. However, as far as the relevant date and incident

is concerned, admittedly, the applicant was not present in the house of the complainant. Deceased Balu was there along with complainant. He was called outside the house by the two sons of the complainant and thereupon taken on a motor-cycle. As far as the role of present applicant is concerned, it is alleged that he has informed complainant's sons and others that the deceased has come/arrived at his place.

5. After perusing these statements so also the orders passed by the trial court, it is apparent that there is no role of the applicant accused is insofar as the two acts, namely, calling the deceased outside the house, tying his both hands to his back and thereafter taking him on the motor cycle. In such circumstances, merely because thereafter Dead Body of the deceased was found, prima facie, when all that is attributed in the earlier as well as further act is passing of Information by the applicant, then, I am of the view that the applicant deserves to

be enlarged on bail. More so, when the investigations are complete and charge sheet is filed.

6. Applicant has no antecedents. Applicant has agreed to abide by all such conditions as would be imposed by this Court, including staying away from the place of incident. Hence, following order:-

i) The applicant arrested in connection with C.R.No.22 of 2006 registered with Radhanagari Police Station shall be enlarged on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant shall not stay at the place of incident i.e. Rashewadi and will report to the police station nearest police station from his

residence during the trial. Applicant shall be released only after he furnishes his new address. The applicant is allowed to enter jurisdiction of Radhanagari Police Station only for the purpose of attending the trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution

witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)